

### **Remarks**

Claims 14-17, 19, 21-23, 29-34, 45-48, 50, 55 and 56 currently stand rejected. Claims 1-13, 18, 20, 24-28, 35-44, 49, 51-54 and 57-68 were canceled in previous responses. Claims 15, 33, 34 and 46 are canceled herein; thus, claims 14, 16, 17, 19, 21-23, 29-32, 45, 47, 48, 50, 55 and 56 remain pending. Claims 14 and 45 are amended herein. The Applicant respectfully requests allowance of claims 14, 16, 17, 19, 21-23, 29-32, 45, 47, 48, 50, 55 and 56.

### **Claim Amendments**

Claim 14 is amended to include the filter of dependent claim of claim 15, the redundant block converter, redundant fiber optic transmitter, and redundant fiber optic receiver of dependent claim 33, and the selector of dependent claim 34. Accordingly, claims 15, 33 and 34 are canceled herein.

Claim 14 is also amended to indicate that the filter is “further configured to transmit the communication signal to either the block converter or the redundant block converter.” This provision is supported in the present application at page 19, line 23, to page 20, line 10.

Claim 45 is amended in a fashion similar to that of claim 14. As the provisions of dependent claim 46 regarding the filtering operation are now included in claim 45, claim 46 is canceled herein.

### **Claim Rejections Under 35 U.S.C. § 103**

Claims 14-17, 19, 21-23, 29, 31, 45-48, 50 and 56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,411,825 to Csapo et al. (hereinafter “Csapo”) in view of U.S. Patent No. 5,970,400 to Dwyer (hereinafter “Dwyer”), U.S. Patent No. 6,266,013 to Stilp et al. (hereinafter “Stilp”) and U.S. Patent No. 5,982,322 to Bickley et al. (hereinafter “Bickley”). (Page 2 of the final Office action dated December 19, 2006, hereinafter “the final Office action.”) Claims 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Csapo in view of Dwyer, Stilp, Bickley and U.S. Patent No. 6,161,024 to Komara (hereinafter “Komara”). (Page 7 of the final Office action.) Finally, claims 30, 32 and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Csapo in view of Dwyer, Stilp, Bickley and U.S. Patent No. 6,865,169 to Quayle et al. (Page 8 of the final Office action.)

The Applicant respectfully traverses the rejections in light of the current amendments to claims 14 and 45, and further in view of the following discussion.

In part, amended independent system claim 14 includes two block converters, two fiber optic transmitters, and two fiber optic receivers located at the upper portion of a tower. Also, claim 14 incorporates a filter “configured to transmit the communication signal to either the block converter or the redundant block converter.” As a result, one of two possible optical signals is received at the lower portion of the tower. Also included is a selector located at the lower portion and configured to select for receiving one of the two possible optical signals. Amended independent method claim 45 provides similar limitations.

With respect to former claims 33 and 34, the final Office action alleges that Komara discloses the redundant components, specifically at Fig. 1 and column 2, lines 15-40. (Page 7 of the final Office action.) The Applicant respectfully disagrees. Generally, Komara teaches a broadband wireless communication system with a base station having first, second and third broadband transceiver/antenna combinations forming a tri-sector coverage pattern. (See the abstract; Figs. 1 and 2; and column 5, line 44, to column 6, line 1.) In addition, Komara includes a fourth transceiver/antenna combination “form[ing] an omni-directional pattern 54 which is centered at the base station location overlapping each of the three sectors 51-53.” (Fig. 2; and column 6, lines 1-4.) Typically, the communication channels of the fourth combination allow an increase in traffic in any of the three sectors. (Column 6, lines 10-13.) Also, in the case one of the first three combinations malfunctions, “*the omni-directional cell with pattern 54 will typically be detected by the mobile subscriber terminal 44 as the next-best alternative cell.*” (Column 6, lines 13-17; emphasis supplied.) As a result, “[t]he fourth transceiver 34 and power amplifier 40 are always in-use with the present system, providing improvements in the base transceiver station Erlang usage.” (Column 6, lines 27-30; emphasis supplied.)

Thus, the base station of Komara differs from the subject matter of claims 14 and 45 in several ways. For one, Komara does not teach or suggest a redundant fiber optic transmitter and receiver as provided for in claims 14 and 45. In fact, Komara does not appear to mention optical communication technology at all.

Further, Komara does not teach or suggest a filter configured to transmit a received communication signal to either one or the other of two separate block converters. Instead, if one of the first three Komara transceiver/antenna combinations fails, the *remote subscriber terminal*

holds the responsibility of switching to the fourth combination, as described above. As a result, the Komara base station shown in Figs. 1 and 2 does not provide this functionality. Thus, Komara does not teach the filter of claim 14 or the transmitting operation set forth in claim 45.

The final Office action further indicates that “it is clear that *a redundant system would obviously comprise a selector for the redundant optic transceiver as claimed*, in order to *select only the current active optical signal for processing*.” (Page 7 of the final Office action; emphasis supplied.) The Applicant respectfully disagrees, as neither Komara nor any other cited reference appears to indicate the presence of such a selector. Further, the assertion that the use of a selector is obvious appears to require impermissible hindsight, as the final Office action employs elements of the claim (i.e., the redundant optic fiber transmitter and receiver not taught in Komara) to suggest the need for the selector. Further, since Komara indicates that the fourth transceiver of its base station is always “in-use,” as cited above, Komara does not teach or suggest the use of a selector or selecting operation, as provided for in claims 14 and 45, as the fourth transceiver of Komara would never be “deselected.” Additionally, such a selector is not proposed or suggested in Komara even in the wireless RF domain, much less in conjunction with optical signals, as set forth in claims 14 and 45.

Therefore, the Applicant respectfully contends that the combination of Csapo, Dwyer, Stilp, Bickley and Komara does not teach or suggest the subject matter of claims 14 and 45, and such indication is respectfully requested.

Claims 16, 17, 19, 21-23 and 29-32 depend from independent claim 14, and claims 47, 48, 50, 55 and 56 depend from independent claim 45, thus incorporating the provisions of their corresponding independent claims. Thus, the Applicant asserts that claims 16, 17, 19, 21-23, 29-33, 47, 48, 50, 55 and 56 are allowable for at least the reasons provided above in support of claims 14 and 45, and such indication is respectfully requested.

Claims 15, 33, 34 and 46 are canceled herein. Thus, the Applicant respectfully asserts that the rejections as they pertain to these claims are obviated.

Therefore, based on the foregoing, the Applicant respectfully requests withdrawal of the 35 U.S.C. § 103 rejections of claims 14, 16, 17, 19, 21-23, 29-32, 45, 47, 48, 50, 55 and 56.

### Conclusion

Based on the above remarks, the Applicant submits that claims 14, 16, 17, 19, 21-23, 29-32, 45, 47, 48, 50, 55 and 56 are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Applicant thus respectfully requests allowance of claims 14, 16, 17, 19, 21-23, 29-32, 45, 47, 48, 50, 55 and 56.

The Applicant hereby authorizes the Office to charge Deposit Account No. 21-0765 the appropriate fee under 37 C.F.R. § 1.17(e) for the request for continued examination (37 C.F.R. § 1.114(a)), and the fee under 37 C.F.R. § 1.17(a)(1) for the one-month extension of time (37 C.F.R. § 1.136(a)). The Applicant believes no additional fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765 accordingly.

Respectfully submitted,

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/Kyle J. Way/

**SIGNATURE OF PRACTITIONER**

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